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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,530	01/17/2001	Robert Berliner	169-274	6423
62836 7590 02/22/2007 BERLINER & ASSOCIATES 555 WEST FIFTH STREET 31ST STREET LOS ANGELES, CA 90013			EXAMINER LANEAU, RONALD	
			ART UNIT 3714	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary

Application No.

09/764,530

Applicant(s)

BERLINER, ROBERT

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-8,10,11 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-8,10,11,14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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Prosecution Reopened

1. In view of the Appeal Brief filed on 10/19/06, PROSECUTION IS HEREBY REOPENED. A non-final rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Robert Olszewski

 2/20/07

ROBERT OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-11, 14-16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 5,877,961) in view of Allsop (US5970472).

As to claim 1, Moore discloses: a method of doing business on the world wide web, comprising the following steps: a provider provides and displays information on a web site about the repair of various devices, the information including graphics in the form of a photograph or other illustration depicting the device, depicting a plurality of replaceable parts thereof, and depicting the relationship of said parts to the device; a user uses a mouse to click on displayed graphics representing a replaceable part of a device (col. 10, line 13 to col. 11, line 9). Moore does not disclose a list of a plurality of manufacturers or vendors of the item selected but Allsop teaches: information is electronically provided to the user in response to process an order and wherein the information comprises a list of a plurality of manufacturers or vendors of the item selected by the user is made available to the user, and wherein the user can obtain information about the item or purchase the item by clicking one of the manufacturers or vendors in the list.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the manufacturers or vendors' listings as taught by Allsop into the system of Moore because it would allow customers to purchase products of competing brand and in

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addition provide a technique by which a manufacturer can refer a potential on-line customer to an authorized dealer for on-line sales without exposing the customer to competing product information.

As to claims 5-7, Allsop teaches a method wherein the user is directed to a web site of the manufacturer or vendor; wherein the web site of the manufacturer or vendor is its Site home page; wherein the web site of the manufacturer or vendor is a site page on which information on the product is displayed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the web site method as thought by Allsop into the method of Moore for the same reasons given previously.

As to claim 10, Moore discloses and Allsop teaches: wherein by clicking one of the manufacturers or vendors, the user is directed to an order page.

As to claim 11, Moore discloses: an internet web site and a program operating said website, comprising: a plurality of web site pages providing information about the repair of various devices, the information including graphics in the form of a photograph or other illustration depicting the device, depicting a plurality of replaceable parts thereof, and depicting the relationship of said parts to the device wherein a user uses a mouse to click on said displayed graphics representing a replaceable part of a device (col. 10, line 13 to col. 11, line 9). Moore does not disclose a list of a plurality of manufacturers or vendors of the item selected but Allsop teaches: information comprising a list of a plurality of manufacturers or vendors of the item selected by the user is made available to the user, and wherein the user can obtain information about the item or purchase the item by clicking one of the manufacturers or vendors in the list.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the manufacturers or vendors' listings as taught by Allsop into the system of Moore because it would allow customers to purchase products of competing brand and in addition provide a technique by which a manufacturer can refer a potential on-line customer to an authorized dealer for on-line sales without exposing the customer to competing product information.

As to claims 14-16, Allsop teaches a method wherein the user is directed to a web site of the manufacturer or vendor; wherein the web site of the manufacturer or vendor is its site home page; wherein the web site of the manufacturer or vendor is a site page on which information on the product is displayed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the web site method as thought by Allsop into the method of Moore for the same reasons given previously.

As per claims 19 and 20, Moore discloses a method wherein by clicking on the name of a manufacturer, model part numbers are displayed as claimed.

4. Claims 8, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 5,877,961) in view of Allsop (US5970472), and further in view of Messer (US5991740).

As to claim 8, the difference between the claim and Moore is the claim recites: wherein the web site of the manufacturer or vendor is a site page specifically set up to receive referrals from another web site and to compensate the owner of the referring web site. Messer discloses a

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method and system for carrying out electronic commerce similar to that of Moore. In addition, Messer further teaches a site page set up to receive referrals from another web site and to compensate the owner of the referring web site (col. 3, Ln. 25-30; Col. 4, Ln. 47-60; col. 9, Ln. 50-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the manufacturers or vendors' listings as taught by Allsop into the system of Moore because it would allow customers to purchase products of competing brand and in addition provide a technique by which a manufacturer can refer a potential on-line customer to an authorized dealer for on-line sales without exposing the customer to competing product information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the referrals as taught by Messer into the combined systems of Moore and Allsop because it would provide the ability of widespread advertising and promotion for a part/item would be achieved, as taught by Messer.

As to claim 17, Messer teaches: wherein the web site of the manufacturer or vendor is a site page specifically set up to receive referrals from another web site and to compensate the owner of the referring web site.

As per claim 21, the combination of Moore, Allsop and Messer would disclose a method wherein the provider derives revenue from making one or more of said items of information available by one or more of the following activities: (a) direct sale of one or more replacement parts to the user, (b) obtaining referral fees or commissions from a manufacturer or other vendor of the one or more of the parts, or (c) gathering consumer information from the user's activities on the web site.

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Response to Arguments

5. Applicant's arguments with respect to claims 1-4, 5-8, 10, 11, and 14-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Jones et al (US 2002/0194202 A1) disclose a web enabled and method for component hardware repair collaboration and material replacement.
- Yu (US 2002/0120535 A1) discloses a website system and method for providing on-line data-exchange and a collaborative service of return and repair process.
- Kitahara (US 2002/0049647 A1) discloses a product repairing method and product repairing apparatus.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald Laneau

Ronald Laneau
Primary Examiner
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2/15/07

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